IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 8442 of 2005

Between:

M. Kanakaiah, S/o. Lachaiah,
R/o. Pullur Village, Medak Postal division, Medak District.

..... PETITIONER

AND

1 The Superintendent of Post Offices, Medak Division, Medak.
2 The Post master General, Hyderabad Region, Hyderabad.
3 The Chief Post Master General, A.P. Circle, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, especially one in the nature of Writ of Certiorari calling for the records of the orders passed in OA No. 1000/2003 dt. 9-3-2004 to the extent of directing the department not to reject any applications on the ground of non production of income and property certificate and to call upon the most meritorious candidate to produce the income and property certificate by giving him reasonable time and the orders passed in Review application No. 39/2004 in OA No. 1000/2003 dt. 10-6-2004 and to quash the same and consequently directing the respondents to

make selection out of the candidates whose applications are in order and who fulfilled all requisite conditions within time as contemplated in Notification dated 26-9-2002 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case in the interest of justice.

Counsel for the Petitioner: MR.CH.RAVINDER

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST.SOLICITOR GEN.)

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed assailing the orders, dated 09.03.2004 and 10.06.2004, passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.1000 of 2003 and Review application No.39 of 2004 in O.A.No.1000 of 2003 respectively.

2. The petitioner applied for the post of Gramin Dak Sevak, Branch Post Master, as

per the notification, dated 26.09.2002. Thereafter, he attended the interview conducted on 13.08.2003. However, when his case was not considered, he filed O.A.

3. The Tribunal after considering the matter, disposed of the O.A. with the following directions:

> "In the result, this O.A. is allowed. The impugned re-notification dated 28.08.2003 issued by the 1st respondent for filling up the post of GDS/BPM, Chellapur is hereby set aside and the 1st respondent is directed to finalise the selection to the said post on the basis of the applications received under the earlier notification dated 26.09.2002 and to select the most meritorious SC candidate amongst them, without rejecting any application received on the ground of non-production of income/property certificate and to call upon the most meritorious selected candidate to fulfill the said requirement of production of income/property certificate by giving him reasonable time and if he fulfills the said condition, to issue appointment order to the said candidate. There shall be compliance of this order within a period of six weeks from the date of receipt of copy of this order."

Aggrieved by the said order, the present Writ Petition has been filed.

4. The principal contention of the petitioner is that in the notification it is stated that the candidates who applies for the post have to submit the income or property certificate along with the application. But, without fulfilling the criteria laid down in the notification, in the instant case the Tribunal directed to select the most meritorious SC candidate without rejecting any application received on the ground of non-production of income/property certificate. But, the question that calls for consideration is the criteria laid down in the notification for receiving the applications is the production of income/property certificate. Under those circumstances, we are not in agreement with the direction issued by the Tribunal.

4. However, we dispose of the Writ Petition with the direction that the cases of the applicants shall be screened along with similarly situate persons found to be within the eligible criteria and further selection process could be undertaken. This exercise shall be down within a period of two months from the date of receipt of a copy of this

order.

5. Accordingly, the Writ Petition is disposed of. No costs.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 26.04.2005

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To

1 The Superintendent of Post Offices, Medak Division, Medak.
2 The Postmaster General, Hyderabad Region, Hyderabad.
3 The Chief Post Master General, A.P. Circle, Hyderabad.

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